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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,666	09/22/2000	Kenji Muraki	MAT-8032US	1419

7590 10/03/2003

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/667,666

Applicant(s)

MURAKI ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-29 is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 26-29 are allowable over the prior art of record.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,3,4,5,9,10,14,15,16,17,18,19,22,23,24,25 are rejected under 35 U.S.C. 102(e) as being anticipated by Yung (6578162).

As per claims 1,9,14,15,16, Yung (6578162) teaches an audio transmitting apparatus (col. 1 lines 1-10) comprising at least data transmitting means for sending out digital audio data an identification information showing the type of the digital audio data (as transmitting audio data (Fig. 7 subblock 101,102, fig. 3; and identification information in the header -- fig. 7), wherein said data transmitting means issues silent identification information C showing transition period and nearly zero data (as bad frame detector,

Art Unit: 2655

muting the bad frame -- making it zero data –fig. 1, subblock 7; fig. 9), for a specified time of transition of said id information from id information A or id information B to other id information (as transition period of  $2N$  frames).

As per claims 2,10, Yung (6578162) teaches PCM, ADPCM, and A-law and  $\mu$ -law PCM (col. 2 lines 1-11)

As per claims 3,14,15,16,18,19 Yung (6578162) teaches transition to be over  $2N$  frames over 32kbits/s translates to a range of 3msec to hundreds of msec.

As per claim 4, Yung (6578162) teaches fading control (fig. 11)

As per claim 5, Yung (6578162) teaches gradual muting (fig. 12, subblock 146)

As per claim 17, Yung (6578162) teaches encoding and non-encoding (as non-linear processing if there is no ‘silence substitution’, or regular processing if silence substitution – fig. 1, fig. 7)

As per claim 22, Yung (6578162) teaches silent identification information is stored in a specified data region (col. 4 lines 10-17).

Art Unit: 2655

As per claim 23, Yung (6578162) teaches a specified data region for the silent identification information - as output pick format conversion block (col. 4 lines 10-11)

As per claims 24,25 Yung (6578162) teaches a pseudo random number data stored in a specified data region/bit row (synchronous coding adjustment block adjusts the amount of bits based on the amount of information, and therefore pseudorandom, but the general format is the same (col. 4 lines 8-12, col. 3 line 5 – col. 4 line 6).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6,7,8,11,12,13,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yung (6578162) in view of Ogasawara (6512919).

As per claims 6-8,11-13,20, and 21, Yung (6578162) does not explicitly teach transmitting data over the IEEE1394 interface, however, Ogasawara (6512919) teaches using a serial interface in a radiotelephone such as IEEE1394 (col. 7 lines 60-64).

Therefore, it would have been obvious to one of ordinary skill in the art of radiotelephone technology to modify the teachings of Yung (6578162) with a serial interface because it

Art Unit: 2655

would advantageously allow for other types of information communication – such as bar code scanning, billing, etc. ( Ogasawara (6512919), col. 7 line 47 – col. 8 line 17).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

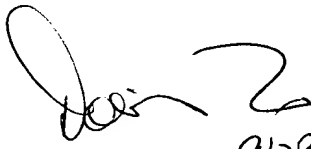
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

9/22/2003

  
DORIS H. TO 9/22/03  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600